

## Chapter 500

## (Senate Bill 370)

AN ACT concerning

**Environment – Recycling – ~~Commercial Properties~~ Office Buildings**

FOR the purpose of requiring a county to address the collection and recycling of ~~certain~~ recyclable materials from certain ~~commercial properties~~ buildings zoned for office use that have a certain square footage of office space in a certain recycling plan; requiring certain owners of certain ~~commercial properties~~ buildings zoned for office use office buildings to provide for the collection and recycling ~~for the employees on the properties~~ of certain recyclable materials in a certain manner on or before a certain date; authorizing a certain tenant to carry out certain recycling requirements under certain circumstances; clarifying specifying that certain provisions of this Act do not affect the authority of a ~~county, municipality, or other local government~~ county or municipality to enact and enforce certain recycling requirements or to alter, suspend, or exempt a person from certain recycling requirements under certain circumstances; clarifying specifying that certain provisions of this Act do not require a county to manage or enforce certain recycling activities within the boundaries of a municipality; authorizing a county to require ~~certain property owners~~ a certain building owner or tenant office building owner or tenant of an office building to report to the county on recycling activities; requiring that ~~the recycling required under this Act~~ certain recycling requirements be carried out in accordance with certain recycling plans; ~~providing for a civil penalty for a certain violation;~~ authorizing certain local enforcement units, officers, and officials to conduct certain inspections; defining a certain term; ~~providing for disbursement of penalties collected under this Act to certain jurisdictions; clarifying that this Act does not preempt or prevail over certain other legislation~~ providing that this Act may not be construed to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this Act; providing for a delayed effective date for a certain provision of this Act; and generally relating to the collection and recycling ~~on commercial properties~~ for office buildings of recyclable materials from office buildings.

BY repealing and reenacting, without amendments,  
 Article – Environment  
 Section 9–1701(a), (m), and (n) and 9–1703(a)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Environment  
 Section 9–1703(b)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2018 Supplement)

BY adding to

Article – Environment

Section 9–1714

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Environment**

9–1701.

(a) In this subtitle the following words have the meanings indicated.

(m) “Recyclable materials” means those materials that:

(1) Would otherwise become solid waste for disposal in a refuse disposal system; and

(2) May be collected, separated, composted, or processed and returned to the marketplace in the form of raw materials or products.

(n) (1) “Recycling” means any process in which recyclable materials are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(2) “Recycling” includes composting.

9–1703.

(a) Each county shall submit a recycling plan to the Secretary for approval when the county submits its county plan to the Secretary in accordance with the provisions of § 9–505 of this title.

(b) In preparing the recycling plan as required in § 9–505 of this title, the county shall address:

(1) Methods to meet the solid waste stream reduction;

(2) The feasibility of source separation of the solid waste stream generated within the county;

(3) The recyclable materials to be separated;

- (4) The strategy for the collection, processing, marketing, and disposition of recyclable materials, including the cost-effective use of recycling centers;
- (5) Methods of financing the recycling efforts proposed by the county;
- (6) Methods for the separate collection and composting of yard waste;
- (7) The feasibility of a system for the composting of mixed solid wastes;
- (8) The feasibility of a system for the collection and recycling of white goods;
- (9) The separate collection of other recyclable materials;
- (10) The strategy for the collection, processing, marketing, and disposition of recyclable materials from county public schools;
- (11) The strategy for the collection and recycling of fluorescent and compact fluorescent lights that contain mercury;
- (12) The collection and recycling of recyclable materials from residents of apartment buildings and condominiums that contain 10 or more dwelling units by property owners or managers of apartment buildings and councils of unit owners of condominiums;
- (13) If applicable, a method for implementing a reporting requirement for recyclable materials generated at apartment buildings and condominiums that contain 10 or more dwelling units;
- (14) The collection and recycling of recyclable materials from special events;

[and]

**(15) THE COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS FROM ~~COMMERCIAL PROPERTIES THAT ARE OCCUPIED BY ONE OR MORE COMMERCIAL ENTITIES WITH A TOTAL OF AT LEAST 200 FULL-TIME EMPLOYEES BUILDINGS THAT ARE HAVE 150,000 SQUARE FEET OR GREATER AND ZONED FOR OFFICE USE OF OFFICE SPACE~~; AND**

[(15)] **(16)** Any other alternative methods of recycling that will attain or exceed the solid waste stream reduction goals determined by the county.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### Article – Environment

9-1714.

~~(A) (1) THIS SECTION APPLIES ONLY TO THE OWNER OF A COMMERCIAL PROPERTY OCCUPIED BY ONE OR MORE COMMERCIAL ENTITIES WITH A TOTAL OF AT LEAST 200 FULL TIME EMPLOYEES BUILDING THAT IS 150,000 SQUARE FEET OR GREATER AND ZONED FOR OFFICE USE.~~

(A) (1) IN THIS SECTION, "OFFICE BUILDING" MEANS A BUILDING THAT HAS 150,000 SQUARE FEET OR GREATER OF OFFICE SPACE.

~~(2) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A COUNTY, A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT TO ENACT COUNTY OR MUNICIPALITY TO:~~

~~(I) ENACT AND ENFORCE RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING CIVIL PENALTIES, FOR A AN OFFICE COMMERCIAL PROPERTY THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION BUILDING ZONED FOR OFFICE USE; OR~~

~~(II) ALTER OR SUSPEND, OR EXEMPT A PERSON FROM RECYCLING REQUIREMENTS:~~

~~1. DUE TO SPECIAL CIRCUMSTANCES THAT AFFECT A SINGLE PROPERTY ARE IDENTIFIED BY THE OFFICE BUILDING OWNER IN AN APPLICATION TO THE COUNTY OR MUNICIPALITY FOR AN ALTERATION OR EXEMPTION; OR~~

~~2. IN RESPONSE TO CHANGING MARKET CONDITIONS THAT AFFECT THE COUNTY OR MUNICIPALITY.~~

~~(3) THIS SECTION DOES NOT REQUIRE A COUNTY TO MANAGE OR ENFORCE THE RECYCLING ACTIVITIES OF A AN OFFICE COMMERCIAL PROPERTY BUILDING THAT IS LOCATED WITHIN THE BOUNDARIES OF A MUNICIPALITY.~~

~~(B) (1) ON SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE OCTOBER 1, 2021, UNLESS OTHERWISE AGREED BETWEEN AN OWNER AND A TENANT, EACH OWNER OF A AN OFFICE COMMERCIAL PROPERTY SHALL PROVIDE FOR RECYCLING FOR THE EMPLOYEES ON THE PROPERTY, INCLUDING BUILDING THAT IS 150,000 SQUARE FEET OR GREATER AND ZONED FOR OFFICE USE SHALL PROVIDE:~~

~~(I) THE PROVISION OF A A RECYCLING RECEPTACLE ON THE PROPERTY RECYCLING RECEPTACLES FOR THE COLLECTION OF RECYCLABLE MATERIALS; AND~~

(II) ~~THE~~ FOR THE REMOVAL FOR FURTHER RECYCLING OF ALL RECYCLABLE THE FOLLOWING MATERIALS, AS DETERMINED BY THE COUNTY OR MUNICIPALITY IN WHICH THE BUILDING IS LOCATED, DEPOSITED INTO THE RECYCLING ~~RECEPTACLE~~ RECEPTACLES:

1. PAPER AND CARDBOARD;

2. ALUMINUM, STEEL, AND TIN CANS METAL; AND

3. PLASTIC BOTTLES MATERIALS AND JUGS, AS DETERMINED BY THE COUNTY OR MUNICIPALITY IN WHICH THE BUILDING IS LOCATED.

(2) ON AGREEMENT BETWEEN AN OFFICE BUILDING OWNER AND THE TENANT OF THE OFFICE BUILDING, A TENANT MAY CARRY OUT THE RECYCLING REQUIRED UNDER THIS SUBSECTION.

~~(2)~~ (3) A COUNTY MAY REQUIRE A AN OFFICE COMMERCIAL PROPERTY OWNER BUILDING OWNER OR A TENANT OF A AN OFFICE BUILDING THAT PROVIDES FOR RECYCLING FOR EMPLOYEES ON THE PROPERTY IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION TO REPORT TO THE COUNTY ON RECYCLING ACTIVITIES IN A MANNER DETERMINED BY THE COUNTY.

(C) THE RECYCLING REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RECYCLING PLAN REQUIRED UNDER § 9-1703 OF THIS SUBTITLE FOR THE COUNTY IN WHICH THE ~~COMMERCIAL PROPERTY BUILDING~~ OFFICE BUILDING IS LOCATED.

~~(D) A PERSON THAT VIOLATES SUBSECTION (B) OR (C) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$300 FOR EACH DAY ON WHICH THE VIOLATION EXISTS.~~

~~(E)~~ (D) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COUNTY, A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT COUNTY OR MUNICIPALITY MAY CONDUCT INSPECTIONS OF A COMMERCIAL PROPERTY TO ENFORCE THIS SECTION.

~~(F) ANY PENALTIES COLLECTED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE PAID TO THE COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT THAT BROUGHT THE ENFORCEMENT ACTION.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2020.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect October 1, 2019.

**Approved by the Governor, May 13, 2019.**